

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: LATEX GLOVES PRODUCTS : MDL DOCKET NO. 1148
LIABILITY LITIGATION :
: ALL CASES

CASE MANAGEMENT ORDER NO. 10

AND NOW, this 17th day of July, 1997, upon conference, the following is ordered:

1. Pending Motions.

- A. Motions to Dismiss Class Action Allegations.** Filing and briefing of motions to dismiss class action allegations in any pending cases that are or become part of MDL No. 1148 is hereby stayed until August 5, 1997, during which time plaintiffs shall determine and advise the Court whether or not they will withdraw such class action allegations.
- B. Motion to Transfer.** Plaintiffs may conduct appropriate discovery on the issues raised by the motion to transfer pending in the Jackson case. Any such discovery shall be completed by September 30, 1997. The Court shall consider a briefing schedule for this motion at the Rule 16 Conference on September 30, 1997. Filing and briefing motions to transfer pending cases that are or become part of MDL No. 1148 is hereby stayed.
- C. Fully Briefed Motions.** The Court will consider deciding the fully briefed motions in the Gonnelly case subject to discovery and the Swiatkowski case.

2. **Cross-Claims.** By separate order, the Court is entering proposed Case Management Order No. 5A, pursuant to agreement of the parties.

3. **Protective Order.** By separate order, the Court will enter proposed Case Management Order No. 7A, pursuant to agreement of the parties.

4. **Product Identification and Merits Discovery.** The discovery set forth in the schedule attached hereto as Exhibit A is hereby authorized. Plaintiffs' Lead Counsel and Defendants' Liaison Counsel-Spokesperson are directed to confer on a proposed "bright line" test that could be used as the basis for dismissal of individual Defendants at the conclusion of product identification discovery, and a joint submission on that subject shall be filed with the Court by August 12, 1997.

5. **Next Rule 16 Conference.** The next Rule 16 Conference (R16C-V) is scheduled for Wednesday, August 27, 1997 at 5:00 P.M., in Courtroom 12-A.

Edmund V. Ludwig, J.

**PRODUCT IDENTIFICATION AND
MERITS DISCOVERY SCHEDULE**

COMPLETION DATE	ACTIVITY
July 11, 1997	Defendants to submit four supplemental questionnaires to selected Plaintiffs.
July 11, 1997	Plaintiffs to submit to Court schedule of proposed product identification depositions of third party witnesses and Defendants' representatives.
July 15, 1997	Completed Forms of Authorization of Release of Medical Information to be provided to Defendants by each Plaintiff.
July 15, 1997	Defendants to produce to Plaintiffs documents, including deposition transcripts and exhibits, produced or prepared in prior latex allergy litigation.
July 18, 1997	Selected Plaintiffs to submit to Defendants completed supplemental questionnaires.
July 31, 1997	Defendants to submit responses to Plaintiffs' master sets of product identification interrogatories and document requests.
July 31, 1997	Defendants to submit privilege logs to Plaintiffs.
July 31, 1997	Defendants to complete two product identification depositions of two selected Plaintiffs that completed supplemental questionnaires.
August 5, 1997 - September 30, 1997	Parties to conduct product identification depositions of third party witnesses and Defendants' representatives.

EXHIBIT A